it. It is the duty of the Civil Court to dispose of it on merits. Even if legislation is to affect the rights of parties in a litigation before a Court, it has never been contended nor has it been ever upheld that the powers of the Legislature are not supreme. This august House has got the supreme power to legislate. Pendency of a case is no concern of this House. When this is passed, if the Court thinks that it has been improperly passed or is *ultravires* of the Legislature, it can deal with it. So far as the powers of this Legislature are concerned, there is absolutely no limitation. This House is competent to discuss.

SRI C. J. MUCKANNAPPA.—Will it not jeopardize the interests of the parties ?

MR. SPEAKER.—It is good to have some patience. The question of a matter being *sub judice* and the interests of the parties how does all this come in this Legislation ? It is done, keeping in view the interests of public, and not the interests of some parties. Legislation is enacted to bind two crores of people of the State. They are as such bound by it.

Then, regarding the matter being *sub judice*, it may be so. We are not discussing the merits of the case. We are trying to see whether the rule which has been declared to be *ultra vires*, can be remedied, or whether the legislation can be perfected or defects removed by a proper legislation. Legislation passed at a time when a case was pending, has been amply upheld on many an occasion. We must consider what is prohibited, so far as the question of a matter being *sub judice* and the discussion on the merits of a case which are immature, and which would jeopardize or improperly influence, the decision to be arrived at in a Court are concerned ; we have neither the plaint, written statement nor the issues, nor do we propose to see any. Therefore, the point that is raised by the Hon'ble Sri Muckannappa cannot be upheld.

BOMBAY AGRICULTURAL PRODUCE MARKETS (MYSORE AMENDMENT) BILL, 1963.

Debate continued.

† SRI B. P. KADAM (Karwar).—Sir, the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963, is for the consideration of the House and the Hon'ble Minister has said that it is a small measure and that there is nothing controversial about it. For the very reason that it is a small measure, I request the Hon'ble Minister to withdraw it for the time being and bring it at a subsequent stage.

[MR. DEPUTY SPEAKER in the Chair.]

Anyway, this House will be in Session for about a week further and it will not be impossible for him to introduce this Bill with due amendment, because this House has considered the Mysore Agricultural

(Sri B. P. Kadam)

Produce Market Bill, 1962 and it was sent up before a Select Committee. Now, it would be proper if all these amendments are incorporated in this consolidated Bill and brought together. The main difficulty which he has stated is that this House or the Government is not in possession of a certified copy or a true copy of the Supreme Court judgment. It is not a very lengthy judgment and I have got it in my hands and if the Hon'ble Minister so desires, I am propared to part with it ; he will be pleased to go through it and will be able to have a thorough amendment for incorporation in the Bill.

Sri RAMAKRISHNA HEGDE.—May I inform the Hon'ble Member that I have also read the judgment of the Supreme Court ? We are not discussing the Supreme Court judgment here but we are discussing the Bill.

Sri B. P. KADAM.—I perfectly agree, but the amendment as given, is as a repercussion of the Supreme Court judgment. It is exactly the judgment that has come into the picture. Otherwise, I would not have myself referred to it even though I have it in my hand. The Supreme Court has given a judgment holding certain enactment of the Bombay Government as *ultra vires* and it has clearly stated that things, as they are, are very hasty and it would not be proper to go with them. So, it would not be proper on the part of the Government to be equally hasty and commit some more mistakes. The earlier speaker, Mr. V. S. Patil said that again there may be some other legislation and it may go to the Supreme Court and there may be more severe strictures on the Code. Anyway, delay will not cause Heavens to fall on us and cause any damage. Therefore, it would not be proper to hastily amend the law. as it has been already suggested, the matter is also agitated in the local Civil Court at Nippani and orders have been issued. Therefore, I feel that it would be proper for the Government to get the Supreme Court, judgment, study it thoroughly with all legal experts and get a proper amendment incorporated in this Bill, which is pending before the Joint Select Committee. Of course, the House is competent to make as many mistakes as possible, but it would not be proper. Therefore, it is better, if the Hon'ble Minister will be good enough to withdraw this small amending Bill and get the amendments incorporated in the main Bill after duly consulting all the best legal acumen available and commit as far as possible no mistakes at subsequent stage. Therefore, I am obliged to oppose this amending measure. With these few words, I resume my seat.

† Sri H. R. KESHAVA MURTHY (Gandasi).—Sir, my two friends have already intimated that this legislation is unwanted because of the fact that the Agricultural Produce Market Bill is now being dealt with in the Select Committee. Of course, my friend accused the Chairman of not being very prompt. But I being a member of that Committee, can say that the Chairman is not in the least responsible. He is very anxious

to get through the Bill. But since it happens to be a very complicated Bill, he could not but prolong the sessions. Therefore, the Chairman is not in any way to be blamed for the delay.

Because a comprehensive Bill is already on the anvil and is being dealt with in the Select Committee, this interim measure I think is not necessary, because if we wait a little, I think that Bill itself will be ready and that will solve the problems and difficulties. A little patience is necessary. There is a saying that patience is bitter and its fruits are sweet. So, if we wait a little, we can overcome all this litigation and I am against any hasty legislation, as I have often said, because hasty enactments usually bring about unwanted and unhealthy litigation. Such legislations brought in this House have brought about so many litigations in the courts of law. Therefore, it is advisable to judge well before the introduction of such a legislation. Of course, there are so many controversial ideas. In clause 3 for granting a licence it is said :

> ".....a licence so granted shall, unless it is cancelled or otherwise ceases to be in force, continue in force until the establishment of a market in the said area and such period thereafter as may be prescribed."

They have included the words " continue in force.....for such period thereafter as may be prescribed." It clearly shows that it gives room for vested interests. There could be no exception before law and nobody should be above law. There should be uniformity in law. That is what I presume is the intention and such special concessions as far as possible should be eliminated.

Again regarding rules in page 4, clause 8 (1)

> " clause (a) shall be re-lettered as clause (aa) and before the clause as so re-lettered, the following clause shall be inserted..."

But clause (a) is not given at all. Members are left in the lurch. There is no complete idea. I think at least in future it is better to furnish complete information regarding Bills to be amended. Otherwise, Members will not be in a position to understand comprehensively everything about Bills to be amended. All the members cannot get at the parent Act or the Principal Acts. For our complete information all the relevant clauses should be given and there should be no such elimination.

With these words, I once again want to impress upon the Hon'ble Minister that it is better to withdraw this Bill in view of the pending Bill in the Select Committee.

SRI RAMAKRISHNA HEGDE.—Sir, the only important point made out by the Hon'ble Members of the House is that because a consolidated measure with regard to the Regulation of Markets for Agricultural products is pending before the Select Committee, this amending Bill need not be taken up now.

(SRI RAMAKRISHNA HEGDE)

Sri V. S. Patil has made another accusation, that the Government is introducing this Bill with a view to protect certain sections of people which Government wants to favour. Sir, I would like to contradict that accusation with all the force at my command. It is far from truth to say that by brining this Bill before this House, the Government intends to protect only a particular section of the community. It is true some people have gone to civil courts on the basis of the Supreme Court decision. Sir, may I remind Hon'ble Members that this Act which is being amended now applies to all the four Districts of the Bombay Karnatak area. It is not merely a question of Nippani market or any other individual market. What has happened in Nippani may also happen in other places, because the Supreme Court has interpreted the Act in a particular manner and it has held that certain Acts and certain rules are *ultra vires* of the Bombay Agricultural Produce Market Act of 1939. We only want to rectify these defects.

Sri K. P. REVANNASIDDAPPA.—There seems to be no quorum, Sir.

DEPUTY SPEAKER.—There is quorum. The Hon'ble Minister will continue.

Sri RAMAKRISHNA HEGDE. —Sir, I was saying in reply to the point made out by the Hon'ble Members that in view of the consolidated measure that is pending before the Select Committee, this need not be taken up now.

Firstly, it will take considerable time as Hon'ble Member Sri Keshava Murthy put it, bofore the House would pass that Bill. Secondly, if the Hon'ble Member Sri Kadam agrees that in view of the Supreme Court decision it is necessary to amend the Bill, so it is necessary to incorporate certain provisions which were not incorporated in the present Act, then I cannot understand why they take objection in bringing this Bill at present.

3-30 P.M.

It is our intention to bring a uniform law, but here this Act is in force only in four districts. Therefore, when it is found that there are certain defects in the Act and in view of those defects, the market committees cannot function as we want them to function in accordance with the provisions of the Act, it is necessary to remove those defects. It is only with that object that we have brought this Bill before the House. Therefore I think that the objection taken by Sri Patil to the introduction and passing of this Bill is perhaps that he is interested in getting this matter postponed for reasons best known to himself. I do not think it is necessary for me to explain further. I again commend the Bill for the acceptance of this House.

Mr. DEPUTY SPEAKER.—The question is:

"That the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963 be taken into consideration."

Sri K. P. REVANNASIDDAPPA.—I press for a division.

(After the division bell was rung.)

Mr. DEPUTY SPEAKER.—I will again put the motion to the House. The question is:

"That the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963 be taken into consideration."

The motion was adopted.

Mr. DEPUTY SPEAKER.—Now the Bill will be read, clause by clause. The question is:

"That clauses 2 to 4, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 both inclusive were added to the Bill.

CLAUSE 5

There is an amendment.

Sri RAMAKRISHNA HEGDE.—I beg to move;

"That in clause 5 for the words, brackets and figures, "Section 5 shall be re-numbered as sub-section (1) of that Section and after the sub-section as so re-numbered" the words, brackets and figures "Section 5 of the principal Act shall be re-numbered as sub-section (1) of that section and in the said said-section, the second sentence shall be omitted, and after the sub-section as so amended", shall be substituted."

It is only consequential, Sir.

Mr. DEPUTY SPEAKER.—The question is:

"That in clause 5 for the words, brackets and figures, "Section 5 shall be re-numbered as sub-section (1) of that Section and after the sub-section as so re-numbered", the words, brackets and figures "Section 5 of the principal Act shall be re-numbered as sub-section (1) of that section and in the said sub-section, the second sentence shall be omitted, and after the sub-section as so amended", shall be substituted.

The amendment was adopted.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 5, as amended stand part of the Bill."

The motion was adopted.

Clause 5, as amended was added to the Bill.

(MR. DEPUTY SPEAKER)

CLAUSES 6 TO 9.

The question is :

"That clauses 6 to 9, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 6 to 9, both inclusive, were added to the Bill.

CLAUSE 1, THE TITLE AND THE PREAMBLE.

The question is :

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri RAMAKRISHNA HEGDE.—Sir, I move :

"That the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963, as amended, be passed."

Mr. DEPUTY SPEAKER.—The question is ;

"That the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963 as amended, be passed."

The motion was adopted.

MYSORE LAND REVENUE BILL, 1963.

As reported by Joint Select Committee.

Motion to Consider.

Sri M. V. KRISHNAPPA (Minister for Revenue).—Sir, I beg to move :—

"That the Mysore Land Revenue Bill, 1963, as reported by the Joint Select Committee, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

That the Mysore Land Revenue Bill, 1963 as reported by the Joint Select Committee, be taken into consideration."